IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 26TH DECEMBER 2006 / 5TH POUSHA 1928

Bail Appl..No. 7586 of 2006()

CMP.8546/2006 of J.M.F.C.-II,KOTTARAKKARA
CR.NO.74/06 OF CHADAYAMANGALAM EXCISE RANGE.

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PETITIONER/ACCUSED NO.2:

ANILKUMAR @ KANNAN, AGED 30 YEARS,
S/O. SUKUMARA PILLAI, KALLOORKONATHU VEEDU,
POREDOM, CHADAYAMANGALAM.

BY ADV. SRI.P.K.REJITH KUMAR
SRI.A.C.DEVY

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI K.S.SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.7586 OF 2006

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DATED THIS THE 26TH DAY OF DECEMBER, 2006

O R D E R

Petitioner who is the second accused in C.R.No.74/06 of Chadayamangalam Excise Range for offences punishable under sections 55(a) and sections 8(1) and 8(2) of the Abkari Act for allegedly having been found in joint possession of 957 liters of spirit on 15.8.2006 and who was arrested on 26.10.2006, seeks his enlargement on bail.

2. Learned Public Prosecutor on instructions admitted that no final report has been filed within 60 days of detention of the petitioner. If so, by virtue of the proviso to section 167(2) Cr.P.C., the petitioner is entitled to bail as of right. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-II, Kottarakkara and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall make himself available for interrogation as and when required by the Police, till the filing of the final report.

3. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn